JPA No.: 00-061 I

AG Contract No.: KR00-0691TRN

Amendment No. Two

Project: Maintenance Agreement Section: SR 77, MP 75 - MP 97 TRACS No.: MAINTAGR Budget Source Item No.: n/a

AMENDMENT NO. TWO TO INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
GOLDER RANCH FIRE DISTRICT

I. RECITALS

- 1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
- 2. The GRFD is empowered by Arizona Revised Statutes § 48-805 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the GRFD.

The purpose of this Amendment Two is to broaden the range of service area to the State by GRFD on SR 77.

Paragraph 3 is amended as follows:

3. The State and GRFD agree to participate in the installation and maintenance of Emergency Vehicle Preemption (EVP) devices in various locations within the GRFD on SR 77, between MP 75 and MP 97. These EVP devices will be installed at GRFD's expense with joint maintenance responsibilities, hereinafter referred to as the "Project." The purpose of this Agreement is to define each party's responsibility associated with the Project.

THEREFORE, in consideration of the mutual covenants expressed herein, this Agreement is modified as follows:

NO. 29211
Filed with the Secretary of State parts Tyled: 1997

Secretary of State

53.0

II. SCOPE OF WORK

1. GRFD shall:

Article II, Section 1.a. and 1.c. are amended as follows:

- a. Provide and install EVP equipment at desired signal locations on SR 77, between MP 75 and MP 97. Provide State maintenance personnel with equipment manufacturer certified training in all applicable aspects of operation and maintenance of EVP systems.
- c. Be responsible for all initial costs, including the purchase and installation of the EVP devices at desired signal locations. Maintain a reasonable inventory of replacement parts necessary for repair of all equipment, providing the State as needed with bench stock parts and signal test emitters.

2. The State shall:

Article II, Section 2.a. and 2.b. are amended as follows:

- a. Issue the GRFD an Encroachment Permit for the installation of the signal EVP systems at desired signal locations on SR 77.
- b. Upon receipt of bench stock parts and signal test emitters from GRFD, maintain the traffic signal and components within the controller cabinet, including all EVP components and components attached to the signal pole or mast arm.

III. MISCELLANEOUS PROVISIONS

Article III, Paragraph 9 is amended as follows:

9. Non-Availability of Funds: Every payment obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amended Agreement the day and year first above written.

GOLDER RANCH FIRE DISTRICT

By VIOLE CK TO TOLE
JOHN SULLIVAN
Fire Chief

ATTEST:

By Laurie Martorelli

STATE OF ARIZONA

Department of Transportation

MICHAEL P. MANTHEY, P.E. State Traffic Engineer

G:\00-061 Golder Ranch Fire District EVP Equip Initial draft Amend. Two 2/20/07 ghc FINAL draft 4/2/07 ghc

JPA 00-061

ATTORNEY APPROVAL FORM FOR THE GOLDER RANCH FIRE DISTRICT

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the GOLDER RANCH FIRE DISTRICT, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the GRFD under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 10¹² day of April , 2007.

GRFD Attorney



GOLDER RANCH FIRE DISTRICT

Fire ♦ Rescue ♦ Medical 3885 East Golder Ranch Dr. Tucson Arizona 85739 (520) 825-9001 / FAX (520) 825-8043



Chief John Fink

MINUTES FOR THE GOLDER RANCH FIRE DISTRICT BOARD, WHICH MET IN PUBLIC SESSION ON TUESDAY, APRIL 10TH, 2007 9:04 A.M. AT 3885 E. GOLDER RANCH DRIVE, TUCSON, ARIZONA 85739

1. CALL MEETING TO ORDER:

Chairperson Vicki Cox Golder called the public session to order at 9:04 a.m.

2. ROLL CALL AND AFFIRMATION OF QUORUM:

Present: Chairperson Vicki Cox Golder, Clerk Louise Martorelli, Board Member Steve Brady, Board Member Ron Koslowski and Chief John Fink.

Excused: Vice-Chairperson Dennis Murphy

3. PLEDGE OF ALLEGIANCE:

All recited the Pledge of Allegiance.

4. CALL TO THE PUBLIC FOR COMMENTS ON GOLDER RANCH FIRE DISTRICT:

No comments.

5. REVIEW, AMENDMENT, AND POSSIBLE APPROVAL OF PUBLIC SESSION MINUTES FOR MARCH 8TH, 2007 AND MARCH 20TH, 2007:

A motion was made by Steve Brady to approve the Public Session Minutes for March 8th, 2007 and March 20th, 2007, seconded by Louise Martorelli and passed unanimously.

6. PRESENTATION OF PERSONNEL:

Chief Fink presented a 10 year pin to Captain Steve Dooley; he's been recently promoted to Captain, Paramedic II, Haz Mat Tec and exceeded his goals. Chief Fink complemented him for his success. The board and staff members congratulated him on his dedication to Golder Ranch Fire District. Chief Fink presented Paramedic/Firefighter Tom Lebo who has promoted to Paramedic II; he is a Haz Mat Tec, Driver Operator and a dedicated individual to Golder Ranch Fire District. Chief Fink and Board Members congratulated him on his achievements.

7. PUBLIC HEARING ON THE PUSCH VIEW BOUNDARY CHANGE IMPACT STATEMENT ACCORDING TO A.R.S. 48-262A5:

Chief Fink stated that we held a public hearing about a month ago and somehow our paperwork was not received by the county officials. Following the statutes we have to resubmit paperwork and present another public hearing according to A.R.S. 48-262A5. The board decided to pass on the presentation on Pusch View because no public was in the audience. A motion was made by Steve Brady to close the public hearing, seconded by Louise Martorelli and passed unanimously.

8. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF THE PUSCH VIEW BOUNDARY CHANGE IMPACT STATEMENT AND AUTHORIZATION FOR THE CIRCULATION OF PETITIONS:

A motion was made by Louise Martorelli to approve the Boundary Change Impact Statement of Pusch View and authorize the circulation of petitions, seconded by Ron Koslowski and passed unanimously.

13. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION #R2007-0007, AUTHORIZING THE EXECUTION OF A LOAN REPYAMENT AGREEMENT WITH THE GREATER ARIZONA DEVELOPMENT AUTHORITY AND AUTHORIZING THE CHAIRMAN, CLERK AND FIRE CHIEF TO TAKE ALL ACTIONS, DO ALL THINGS AND EXECUTE ALL DOCUMENTS NECESSARY TO SECURE, CONSUMMATE AND CARRY OUT THE LOAN REPAYMENT AGREEMENT:

Chief Fink introduced Fred Rosenfeld, our bond attorney to explain the sale of the bonds. Chief Fink stated that this bond was passed by the citizens in September of 2004 and the bond was put before the voters for a total of 13.8 million dollars. We had one sale in the amount of 9.2 million dollars. The remaining 4.5 million dollars is for future fire stations for 1.5 million dollars times 3. GADA will need to approve the resolution with changes that were issued by our bond attorney. Fred Rosenfeld stated that the statute has changed and the Board of Supervisors has been taken out of this process, and now the Fire Board has full control of this process. Fred Rosenfeld explained that GADA is a bond bank and entered in the loan agreements then they pool all of the promises of the local entities to pay money, they have a legislative appropriated reserve fund so they are able to get a vary high rating then they buy insurance that is part of the transaction and charge you for your share of the insurance. That gives GADA's bonds a triple A rating and your obligation through GADA is directly related to the interest rate of their bonds. Fred Rosenfeld stated that we do not have the actual numbers from GADA but will receive them sometime next week. The board will have to approve the repayment schedule and numbers should be available around the 20th of April. Fred Rosenfeld discussed other options in regards to lease purchases, certificate of participation, bond sales and de-annexations. The Board thanked Fred Rosenfeld for coming from Phoenix to make his presentation A motion was made by Louise Martorelli to approve Resolution #R-2007-0007, which authorizes the execution of a loan repayment agreement with the Greater Arizona Development Authority and also authorizes the Chairman, Clerk and Fire Chief to take all actions, do all things and execute all documents necessary to secure, consummate and carry out the loan repayment agreement, seconded by Steve Brady and passed unanimously. Fred Rosenfeld stated that a date needs to be set aside to sign documents for the repayment agreement.



9. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF AMENDMENT NO. TWO TO THE INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPT. OF TRANSPORTATION WITH REGARDS TO OPTICOM ALONG ORACLE ROAD:

Chief Fink stated that this is Amendment #2 to our existing IGA with ADOT. The reason for this amendment is the advent of the traffic signal located at the intersection at Oracle and Suffock Hill Drive. This change extends the current area South to MP75 (Ina Road) and North to MP 97 on SR77 (Biosphere). Chief Fink stated that our attorney, Donna Aversa has reviewed and approved the documentation. A motion was made by Louise Martorelli to approve Amendment #2 to the current Intergovernmental Agreement with the Arizona Department of Transportation with regards to our Opticom system along Oracle Road, seconded by Ron Koslowski and passed unanimously. Board member Steve Brady asked if we are sharing any of the cost with Oro Valley or are we responsible for the costs ourselves. Chief Fink replied that we issued a check to the Town of Oro Valley for \$25,000.00, Oro Valley will allocate \$25,000.00 and Rural Metro is going to pay for one intersection at Northern and

Magee. Oro Valley staff is in the process of purchasing the equipment and doing the install. A motion was made by Louise Martorelli to approve Amendment #2 to the current Intergovernmental Agreement with the Arizona Department of Transportation with regards to our Opticom system along Oracle Road, seconded by Ron Koslowski and passed unanimously.

10. REVIEW, DISCUSSION AND POSSIBLE ADOPTION OF A REVISED FEE SCHEDULE FOR COMMUNITY SERVICES DIVISION WITH REGARDS TO PLAN REVIEW FEES:

Chief Fink presented a new Fee Schedule for the Fire Protection Program to be adopted by the Board. Some developers want their plans reviewed sooner than what is required in our agreement with Oro Valley. Chief Sullivan stated that the process is similar but the fee schedule is different. He indicated that planners can not wait for 28 days or more for their plans and are willing to pay the expedite fees and receive their plans within 3 to 5 days. Captain Schoon and Fire Inspector Jim Tucker are the plan reviewers for the district. Ron Koslowski asked to negotiate the costs with Oro Valley for the plan reviewer. Chief Fink stated that a meeting with Oro Valley will be considered and we will try to negotiate costs for a plan reviewer. A motion was made by Ron Koslowski to approve the new fee schedule with regards to expedited plan reviews, seconded by Steve Brady and passed unanimously.

11. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT WITH LANG WYATT CONSTRUCTION FOR THE CONSTRUCTION OF A NEW FIRE STATION AT LA CANADA AND LAMBERT:

Chief Fink enclosed a contract for the construction of our Lambert and La Canada Fire Station with Lang Wyatt Construction. This contract is a CM at risk agreement in the amount of \$2,256,532.00; the original cost was 2.6 million dollars. Donna Aversa our district attorney stated that this agreement was well done and indicated there will be an additional specific schedule agreement called A201 that will be attached. The board questioned the costs of the Landscaping of \$147,000.00. Chief Fink stated that the Town of Oro Valley has certain requirements for landscaping. The board directed Chief Fink to request a detailed estimate from Lang Wyatt on the landscaping costs. Chief Fink stated that he could provide the 3 bids from Lang Wyatt on the other bidders for the landscaping costs. The art work costs are not included in this contract. The square footage on this station is 6900 sq. ft. and will hold 6 personnel. A motion was made by Louise Martorelli to approve the contract with Lang Wyatt Construction for the construction of a fire station at Lambert and La Canada in the amount of \$2,256,532.00, seconded by Ron Koslowski and passed unanimously.

12. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT WITH LANG WYATT CONSTRUCTION FOR THE CONSTRUCTION OF A NEW FIRE STATION IN SADDLEBROOKE PRESERVE:

Chief Fink enclosed a contract for the construction of SaddleBrooke Preserve Fire Station with Lang Wyatt Construction. This contract is a CM at risk agreement in the amount of\$1,801,070.00; the original cost was 2.1 million dollars. The station designed for this site is a 2 bay station. The board suggested using some of our site plans for future stations. A motion was made by Louise Martorelli to approve the contract with Lang Wyatt Construction for the construction of a fire station in SaddleBrooke Preserve in the amount of \$1,801,070.00, seconded by Ron Koslowski and passed unanimously.

14. TREASURER'S REPORT:

Board Member Steve Brady discussed the Treasurer's Report and found everything was in order. The increase of the Firefighter's salaries was due to three pay periods in the month of March. A motion was made by Steve Brady to approve the Treasurer's Report, seconded by Louise Martorelli and passed unanimously.

15. CHIEF'S REPORT:

LEED Conference – April 27th, 2007. C of O for Fleet and Training. F&N Enterprises Meeting -Video and Audio equipment. Update on Dennis Murphy Update on DHS

AFDA Conference – July 13th – 15th Budget Study Session – April 25th - 9:00 a.m.

561 Calls for the month of March.

Chief Lane updated the board on a Haz Mat call that occurred on I-10. (GRFD, NWFD, Rural Metro and Avra Valley Fire).

Annual Employee's Meeting – June 13th – 8:30 a.m. (Speaker Dr. Carmona)

16. CALL TO THE PUBLIC FOR COMMENTS ON GOLDER RANCH FIRE DISTRICT:

No Comments.

17. ADJOURNMENT:

A motion was made at 10:40 a.m. to adjourn by Steve Brady, seconded by Louise Martorelli and passed unanimously.



TERRY GODDARD Attorney General

OFFICE OF THE ATTORNEY GENERAL STATE OF ARIZONA

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INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. KR00-0691TRN (**JPA 00-061-I, Amendment No. Two**), an Agreement between public agencies, i.e., The State of Arizona and Golder Ranch Fire District, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: May 31, 2007

TERRY GODDARD Attorney General

SŬSAN E. DAVIS

Assistant Attorney General Transportation Section

SED:mjf:10089 Attachment